

FIRE IN STATE CAPITOL AT ALBANY

GIRL'S KIDNAPPER IS ARRESTED

Snow to-night; Thursday cloudy and warmer.

FINAL RESULTS EDITION

The



World

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FLAMES IN THE CAPITOL AT ALBANY

Smoke From Fire in Cellar Fills Big Building and Alarms Officials.

BUT SENATE GOES ON.

Doors of Chamber Closed and Debate Proceeds as Firemen Fight Blaze.

ALBANY, Feb. 3.—Fire in the basement of the Capitol this afternoon filled the corridors with dense smoke and caused considerable excitement in the various departments. The damage was slight.

The fire was discovered among some rubbish on the Senate side of the building and burned briskly for a time.

The doors to the Senate chamber where the debate on the nomination of Herbert E. Cook was in progress, were kept closed, and proceedings were not interrupted, although the corridors outside were filled with smoke. The fire department soon had the flames under control.

BUILDERS FIGHT AGAINST LIMIT ON SKYSCRAPERS

Can Be Erected Without Cutting Off Light and Air, They Say at Hearing.

The men who build New York's skyscrapers were largely represented at the City Hall today at a public hearing on the proposed building code provision limiting the height of all future buildings in New York to 350 feet.

Comptroller Metz, President Ahearn and Chief Engineer Wilson P. Lewis comprised the select committee appointed by the Board of Estimate to listen to argument. The Board has the power to appoint or disapprove of any provision placing any restriction on the height of buildings.

Alfred J. Kennedy stated that the Building Code Commission had tentatively approved the restriction.

Calvin Tompkins, representing the Board of Trade and Transportation, informed the committee that his board was opposed to the limitation of height clause. The real question is light and air, he added, and these can be had when high buildings are not erected solidly against each other. It is an easy matter to regulate the easements of light and air in the streets, he said. An angle of light of seventy degrees can easily be provided in the public highways. Buildings can be erected in terrace fashion without sacrificing light and air. Limitation of height, he added, would defeat building evolution now going on in this city.

President Babb of the New York Board of Fire Underwriters, declared that the maximum of height reported by the Code Commission is too great. He advocated restriction of hotel buildings to 300 feet and office buildings should be limited to 350 feet.

Ernest Flagg, architect of the Singer building, and Charles R. Lamb expressed their opposition to the height limit suggestion. Mr. Flagg said that public interests demanded height where light and air would not be sacrificed. Terraced buildings, affording plenty of light and air, are to be desired, he said.

MONTREAL IS AGAIN SHAKEN BY EARTHQUAKE.

MONTREAL, Feb. 3.—Numerous reports have been received of an additional earthquake tremor felt in Montreal at 1 o'clock this morning. The shock was very slight and lasted an inappreciable period, according to those who say they felt it. It was the third shock felt here this week.

TWO RECEIVERS ARE NAMED FOR FRAZIN & OPPENHEIM

Creditors File Involuntary Petition in Bankruptcy Against Big Shoe Firms With Seven Stores Here and Others in Chicago and Philadelphia.

An involuntary petition in bankruptcy was filed in the United States District Court today against the firm of Frazin & Oppenheim, which operates seven shoe stores in this city, five in Chicago and two in Philadelphia, by the Medler & Holmes Company and two others with claims aggregating \$33,722.

The petitioning creditors say the shoe firm is insolvent and allege that it made preferential transfers of leases of its Chicago stores to other creditors. Payson Merrill and Joseph H. Wicher were appointed by Judge Holt receivers for the firm in joint bond of \$50,000. They are to continue the business for twenty days.

The assets of the alleged bankrupt concern were stated to be worth half a million dollars.

SENATE DOWNS COOK, 31 TO 17; PARTY LINES ARE BROKEN

Refuses to Confirm His Appointment by Gov. Hughes as Democratic Member of New Highway Commission—Grady Wins His Fight With Aid of 17 Republicans.

ALBANY, Feb. 3.—The nomination of Herbert E. Cook as the Democratic member of the new State Highway Commission was rejected by the Senate today by a vote of 31 to 17. The Democrats attacked the political status of Mr. Cook and succeeded in mustering enough Republican votes to defeat the confirmation of the nominee.

The following Republicans voted with the Democrats against Mr. Cook's confirmation: Allds, Alt, Burlingame, Emerson, Gledhill, Grattan, Hamilton, Hewitt, Holden, Kissel, Mackenzie, Meade, Platt, Raines, Schlosser, White and Witter.

The absentees were Brackett, Republican; C. D. Sullivan and Schulz, Democrats.

Senators Cobb, Travis and Newcomb argued in favor of Mr. Cook's nomination, while Senators Allds and Raines spoke in opposition. "I believe that in opposing the confirmation of Mr. Cook I am performing my duty," said Senator Raines in conclusion, "and in doing so I adopt the sentiment of Whittier when he says: 'simple duty has no place for fear.'"

(The details of the debate on the confirmation of Cook will be found on page 13.)

YOUNG M'ATEE, ACCUSED BY REARDON, SET FREE BY JURY

Crowd of Pennsylvania Villagers Who Stood by Him Throughout Trial Cheer as Man Arrested by Jerome's Former Detective Is Acquitted.

The trial of Thomas McAtee, which has attracted more attention than any that has been heard in General Sessions in months, ended this afternoon at 4:55 in a verdict of acquittal. The jury was out forty-five minutes.

Anticipating that there would be a demonstration if the jurors freed the accused youth, Judge Rosalesky took the precaution to clear the court before the result was announced. Outside in the corridor a crowd of seventy-five persons, mainly from McAtee's home town of Mahanoy, Pa., were waiting.

When he walked out a free man their cheers made the Criminal Court Building ring. Men and women crowded around the young man, struggling with one another for the chance to pat his back and shake his hand.

McAtee's sweetheart, Miss Catharine McLaughlin, broke through the ring and threw her arms around his neck, crying out her joy on his breast. With her fiancée on one side and Father Hogan of Mahanoy, Pa., on the other, she followed him to the door of the building and the late prisoner walked out of the building and started for his home in Pennsylvania.

McAtee was accused by "Eddie" Reardon, formerly the star sleuth of District Attorney Jerome's staff of county detectives. According to Reardon's story he found McAtee in the hall way of the house where the detective lived, No. 146 Waverly place, early on the morning of Dec. 16. He said that he overpowered McAtee after a struggle in which a second intruder participated.

McAtee denied practically every detail of Reardon's story. The parish priest of Mahanoy, Pa., and dozens of the best citizens of the town came on to New York at their own expense to testify to his good character.

HAMMERSTEIN SHOVED HIM, SAYS REPORTER WHO SLAPPED

The famous assault case of Oscar Hammerstein, growing out of a recent clash and clinch between the impresario and two reporters for The New York Press, had its third hearing, in the Essex Market Court, today, Magistrate Finn presiding.

Mr. Hammerstein was there with an array of legal talent headed by Delphin Michael Delmas and John P. McIntyre, while Charles M. Beattie appeared as counsel for Frederick M. Hall and James J. Doyle, the accused reporters.

The proceedings were confined to the examination of Hall and Doyle.

Hall was first questioned. He denied that he had either uppercut or jabbed Mr. Hammerstein on the nose. He had permitted his open hand to slap the impresario. He did not notice where the slap landed, nor had he observed that he had drawn the blood of Mr. Hammerstein until some while later when he noticed Oscar blowing his nose.

Mr. Hall said that before the slap occurred Hammerstein had pushed him, likewise shoved him. The slap occurred in the heat of the moment, involuntarily, retaliatory.

"What were your feelings at the time?" asked Mr. Delmas.

"I did not stop to analyze my feelings into their several physiologic elements," replied Hall, whereupon Mr. Delmas coughed and Mr. Hammerstein sneezed.

William J. Heavey was arraigned with Hall and Doyle. He is a sort of constructive participant criminist to the assault, in that he remarked when Hall landed on the Hammerstein nose: "Go it, kid; slip it to him," or more forceful vernacular to the same effect.

It is not expected that this afternoon's hearing will finish the case by a considerable margin.

Heavey, accused of having thrown sulphurated hydrogen on Mr. Hammerstein, said that he did nothing of the sort and had no bottle in his possession. He was discharged at the request of Lawyer Beattie, Lawyer McIntyre not objecting.

Magistrate Finn said he would give his verdict in the other cases on Friday at 10 o'clock.

SHOOTS GIRL; ENDS HIS LIFE IN A HOTEL

Double Tragedy in the Melrose Near Entrance to Prospect Park.

SUICIDE IS H. G. POPE.

Bessie Schweder, Saloon-Keeper's Companion, Mortally Hurt by Bullet.

Harry C. Pope, who kept a saloon at De Kalb and Reid avenues, in Brooklyn, and lived at No. 23 De Kalb avenue, shot and mortally wounded Bessie Schweder in the Melrose Hotel this afternoon and then killed himself. The girl gave her address at Kings County Hospital as No. 1214 Madison street, Brooklyn.

Pope, who was well known in his section of Brooklyn, appeared at the Melrose Hotel, outside the Willink entrance to Prospect Park, late yesterday evening with the Schroeder girl. He registered as "H. C. Pope and wife," and the couple were assigned to a room on the second floor.

Wounded Girl Fell on Stairs.

Two meals were served to that room today by waiters. No one in the hotel heard the pair quarrelling.

A shot in the room startled the hotel staff at 4 o'clock this afternoon. Then the woman ran out, attired in a nightgown, gained the head of the stairway and tumbled headlong to the ground floor. As she was falling, another shot was heard and those who entered the room found Pope dead, with a bullet wound through his heart and a pistol in his right hand.

The bullet which struck the girl penetrated her breast. She was incoherent when questioned, and no satisfactory statement could be obtained from her as to the cause of the tragedy.

Pope was about thirty-five years old. His father lives at Belford, N. J. He was popular in the neighborhood of his saloon and was standard bearer of a club known as the Harry C. Pope Association.

Hostler and Ten Car Horses. Overcome by Morpheus, Made Policeman Blink.

Along in the early hours to-day Patrick McCafferty nodded at his post of hostler in the belt line relay station, at West avenue and Forty-ninth street, and when an icy breeze crawled up under his coat and disturbed him, he did something else to the bottle he took from his pocket. It was a perfectly good bottle still, but there was not much of anything left in it. So Patrick sighed and closed his eyes for another doze.

"Hi, Pat, me bye," suddenly shouted a voice, "come take the horses to the stable and get a hustle on ye!"

Pat sleepily went outside and, bunching together the ten horses with drooping heads in the wind-swept street, prepared to take them to the car barns at Fifty-fourth street and Tenth avenue after their strenuous toll of the day.

"It's a cheap bunch of skates ye are!" he muttered as he scrambled aboard the least scrawny one he could find. "Giddyup!"

Patrick Went to Sleep.

The five teams, piloted by Pat, crunched along to Fifty-fourth street and turned. Between Fifty and Second avenues something happened. It is not certain whether the horse Pat was riding went to sleep and lay down with him or whether Pat went to sleep first and fell off.

At any rate, some time later Policeman McCauley, of the East Fifty-first street station, came along and saw what he took to be a caravan at rest in the desert.

"One, two, three, four," he counted ten sleeping horses in the middle of the street. He snoped around until he found Pat curled contentedly up against one of the horses.

Finally he succeeded in getting Pat to arise and start his caravan on its interrupted hike.

RAILROAD MAN ARRESTED IN CLIFF MURDER CASE.

Special to The Evening World.

POUGHKEEPSIE, Feb. 3.—Napoleon Monat, a former brakeman of the New York and New Haven Railroad, was arrested to-day at Holyoke, Mass., at the request of Chief of Police McCabe at this city. It is believed that he knows much of the murder of John Cliff here on Jan. 25, and the murderous attack at the same time on Mrs. Cliff.

When Mrs. Cliff became conscious a few days after the murder she pointed out her own brother as the one who had entered the little restaurant which she and her husband managed, and who beat out her husband's brains and then attacked her and left her for dead. The brother steadfastly insisted that her injuries must have made her deranged, and that he knew nothing of the murder. The police were so impressed with the straightforwardness of his story that they kept on with their search for the murderer despite the woman's statement.

George Conrow, a New Haven railroad freight conductor, walked into Chief McCabe's office to-day. He said that he heard that the police were pretty close on the trail of the murderer of Cliff, and from what he knew he thought that they might suspect him. He told McCabe that he had come in to square himself.

According to Conrow the murder was done by a number of railroad men. He named them to Chief McCabe after the Chief had labored with him for two hours.

A message was sent to Holyoke asking for the arrest of Monat, and the Chief and the District Attorney went to Holyoke this afternoon. Meantime Conrow is detained here.

12-Year-Old Brooklyn Girl and Neighbor Who Kidnapped Her.



KATHERINE LOERCH.

PAT AND HIS 5 TEAMS WENT TO SLEEP IN STREET

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Finally he succeeded in getting Pat to arise and start his caravan on its interrupted hike.

"Somebody come out and hold the horses," called the policeman when the station was reached.

"Never mind the horses," said Pat, "they can't get away. Let 'em alone. They need the rest."

At this juncture one of the ten flopped down in the street, and soon the others followed. As the policeman led Pat up the station steps all ten horses were serenely dreaming of another day's work nobly done.

Lieut. Dan Daly heard the story and thought Pat should be held on a charge of intoxication, so Pat said good-by to his five teams and accepted the proffered lodging. He said he lived at No. 563 Eleventh avenue and is twenty-two years old.

Then the Horses Slept.

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The business of the firm of W. E. Lauer & Co. will in no way be affected by the temporary suspension of Mr. Wormser, as the concern has two other floor members—W. E. Lauer and S. M. Goldsmith.

Fine New Turkish Baths

Now open at the new Pullman building. Only first-class downtown establishment. Modern in every detail. Electric and Turkish baths at all hours. Also barber shop open day and night.

HOLD KIDNAPPER OF BROOKLYN GIRL FOR CAPITAL CRIME

Death the Penalty in Maryland for Offense Charged by Twelve-Year-Old Katherine Loerch Against Janier.

GOVERNOR WILL RESIST ATTEMPT TO EXTRADITE

Child, Found Crying in Street of Southern City, Tells Shocking Story of Abduction by Rich Neighbor and Friend of the Family, Who Is Arrested.

Joseph Janier, of No. 274 Classon avenue, Brooklyn, the kidnapper of twelve-year-old Katherine Loerch, the daughter of his friend and neighbor, was arrested in Baltimore to-day and may suffer the death penalty for his treatment of the child he lured away with him. According to information received by the Evening World over the long distance telephone, this afternoon, Janier will not be surrendered to the Brooklyn police, but will be indicted in Baltimore to-morrow for a grade of felonious assault, the penalty of which crime, under the laws of Maryland, is death.

The kidnapper, who is married and the father of three children, was arrested in a saloon on North Calvert street, Baltimore. He had been drinking there for an hour. When Detectives Pohler and Kahler found him his little victim was shivering in the rain on the pavement in front of the saloon.

The man and the girl were taken to Police Headquarters. The man was in an incoherent condition from whiskey and drugs. The little girl was hysterical, but when she became calm she made a statement the character of which so affected District Attorney Sherlock Swann that he telephoned to Gov. Crothers, of Maryland, and urged that he sign an extradition paper.

Insists on Death Penalty.

Col. Swann informed the Governor that Janier was guilty of a more heinous crime than kidnapping, committed in Baltimore, and that he should suffer the penalty provided by the laws of Maryland—death. Col. Swann said that the case was one of the most atrocious that ever came to his knowledge. Governor Crothers gave Col. Swann his word that he would not sign extradition papers and urged the District Attorney to take the case up immediately with the Baltimore Grand Jury.

The child's statement will be handed to the Grand Jury to-morrow, and it is expected that an indictment will be issued forthwith.

Meanwhile, Detectives Conway and Reif, of the Brooklyn Central Office, are speeding to Baltimore with a warrant, charging Janier with kidnapping. The extreme penalty for which in this State is twenty-five years in Sing Sing, with hard labor.

Katherine Loerch is the daughter of Ernest and Freda Loerch, of No. 32 Classon avenue, Brooklyn. Her father, who is a paralytic, prayed for strength to reach Janier and tear him to pieces when he heard of the man's arrest and what he had done.

Stole Child With Auto.

Janier kidnapped the child on Monday night, first taking her out on an automobile ride and then taking her aboard a train for Baltimore. They arrived in Baltimore late Monday night and went to Wendler's place, at 400 North Calvert street. This was the scene of the capital crime, which is charged against Janier.

Yesterday morning Janier took the child to a boarding-house known as the St. Elmo, at No. 611 North Calvert street, kept by Mrs. Elizabeth Duke. They spent last night there, occupying separate rooms. At both places the man registered as "Paul and Florence Newhart."

When the Baltimore detectives arrested Janier he denied both names of Janier and Newhart, also any knowledge of the girl. The truth was learned from the child when she was

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